

(78)
RB9/2

ORIGINAL

to CR 10/0

THE UNITED STATES DISTRICT COURT
Middle District of Pennsylvania
Harrisburg, PA

Yan SHAO

Plaintiff,

v.

Edward Cuccia

Charles Day

John / Jane Doe

Law Offices of Ferro & Cuccia

Defendants.

No. 1:00 CV 1901
(JUDGE Rambo)

FILED
HARRISBURG, PA

SEP 25 2002

MARY E. D'ANDREA, CLERK
Per [Signature]
Deputy Clerk

CIVIL ACTION - LAW

MOTION THAT RESPONDENT AND DEFENDANT SHALL BE DEEMED
NOT TO OPPOSE MOTION TO COMPEL DISCOVERY IN AID OF EXECUTION

MAY IT PLEASE THE COURT, Local Rule 7.6 of this Court states in
pertinent part that a respondent "shall" file a responsive brief within 15 days of
service of a motion and that "any respondent who fails to comply shall be
deemed not to oppose such motion."

STATEMENT OF MATERIAL FACTS

1. On September 5, 2002, the plaintiff served upon the defendant Mr. Day
and separately upon one P.J. Day, via First Class Mail, a motion to this
Court to compel P.J. Day to respond to interrogatories served upon her
in aid of the execution of an Order of this Court.

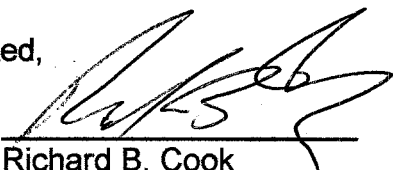
2. Neither Mr. Day nor P. J. Day has filed an answer to this motion.

Therefore, based upon the above cited facts, these respondents are not in compliance with Local Rule 7.6.

WHEREFORE, the plaintiff respectfully moves this Court to ORDER forthwith that P.J. Day answer interrogatories which have been served upon her.

Respectfully submitted,

Craig T. Trebilcock
Pa I.D. No. 48344
Associate Counsel for the Plaintiff
100 East Market
PO Box 15012
York, PA 17405-7012
717 846-8888



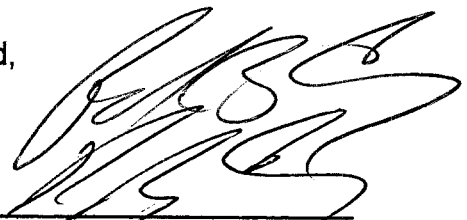
Richard B. Cook
Louisiana #21248
Counsel for the Plaintiff
17 Jonathan's Court
PO Box 411
Hunt Valley, MD
410 683 9469

LR 7.1 CERTIFICATE OF NONCONCURRENCE

Undersigned counsel for the plaintiff certifies that the preceding motion has been served upon the defendant but that no concurrence to its filing has been obtained. The undersigned recently has discovered a telephone number for Mr. Day in New York City (212 274 8408) and called on Sept. 23, 2002 but was informed that Mr. Day is in Immigration Court in New Jersey both in the A.M. and in the P.M. as well.

Respectfully submitted,

Craig T. Trebilcock
Pa I.D. No. 48344
Associate Counsel for the Plaintiff
100 East Market
PO Box 15012
York, PA 17405-7012
717 846-8888



Richard B. Cook
Louisiana #21248
Counsel for the Plaintiff
17 Jonathan's Court
PO Box 411
Hunt Valley, MD
410 683 9469

CERTIFICATE OF SERVICE

Undersigned counsel certifies that on Sept. 23, 2002, a copy of the appended motion, order, and certificate of non-concurrence have been served on P.J. Day and upon the defendant by First Class Mail, postage pre-paid, to the following addresses:

Address provided by P.J. Day:

P.J. Day
80-100 Tryon Place
Jamaica, NY 11432

Address provided by the New York State Court Administrator:

Charles Day, Esq.
80-100 Tryon Place
Jamaica, NY 11432

Address recently discovered by counsel for the plaintiff, via internet search:

Charles Day, Esq.
30 E. Broadway
New York, NY 10002



Richard B. Cook